(1) Supreme Court, U.S.
FILED

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CASE NO: OFFICE OF THE CLERK

In The
**SUPREME COURT OF THE UNITED STATES**
October Term 1999

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CHRISTOPHER R. WOJCIECHOWSKI
Petitioner,

V.

WALT DISNEY CONCERT HALL NO. 1 et. al.
of which only: Latham & Watkins, John P. (Jack) Walker, Jr.; William J. Meeske and Vincent Herron, are Respondents,

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On Petition for Writ of Certiorari
**To The U.S. COURT of APPEALS for THE NINTH CIRCUIT**
Docket No. 99-15702
[Related Cases Docket No.. 00 -70779 & 99 15135]

# PETITION FOR WRIT OF CERTIORARI

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RESPONDENTS:
LATHAM & WATKINS; JOHN P. (JACK) WALKER, JR.
WILLIAM J. MEESKE; VINCENT HERRON
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63pp

## QUESTIONS PRESENTED:

1.Should *SELF REPRESENTATION* be disallowed in civil RICO/Civil Rights litigation ?

2. Just because the judge does not want to believe a Pro Se litigant that, there exists, a *"pattern of racketeering activity"* under RICO, 18 USC Sect. 1961(5), in violation of RICO, 18 USC Sect. 1962(c)(d), should attorney's, in a behemoth law firm, be allowed to defraud their own client, through a RICO conspiracy and escape civil/criminal liabilities, by way of a Summary Judgment dismissal with prejudice, when facts are in dispute, including the fact that they are in Default?

3. Should Summary Judgment dismissal with prejudice, pardon the behemoth law firm and it's attorney's who are RICO Conspirators, without a trial, when they are in Default, leaving 32 other Defendants in the Case ?

4. When, Petitioner was subsequently allowed to amend, and in his First Amended RICO/Civil Rights Complaint, included allegations of Civil Rights deprivations, combined with RICO violations, which encompassed the same *"pattern of racketeering activity"*, isn't Petitioner entitled to recovery from all RICO Conspirators, including those in Default, in a statutorily mandated jury trial under 42 USC 1983 et. seq., when *state actors under color of law*, were shown to have been bribed, which directly caused civil damages to Petitioner, and their counsel admitted that fact ?

5. Should the Ninth Circuit Court of Appeals be allowed to ignore, Pro Se Appellant's Constitutional rights to: (a) due process; (b) Appellees being in Default; (c) discovery; (d) the absolute right to recovery of what was illegally taken from him through fraud; (e) the statutory grant of a jury trial under 42 USC Sect. 1983, and (f) the right to liberally amend the Complaint, if an amendment is all that is needed ?

6. How much *exclusion to due process, pomposity & discrimination,* should federal judges be allowed, facing genuine claims of existing Default, clearly evident on the docket, RICO/Civil Rights violations shown by a Pro Se litigant, a U.S. citizen, with a foreign name & who should they protect ?

## LIST OF PARTIES TO THE PROCEEDING:

**DEFENDANTS:** There are 36 Defendants, in the Subject RICO/Civil Rights Case, No. 98 21139 RMW, U.S. District Court, Northern District of California, San Jose Division, the following group of 4 Defendants, are Appellees in the subject Appeal, from a Summary Judgment dismissal, Docket No. 99-15702 U.S.C.A. for the Ninth Circuit.

The other 32 Defendants are Appellees, in related Appeal from, dismissal with prejudice, Docket No 99-15135 U.S.C.A. for the Ninth Circuit.

(a). Latham & Watkins (L&W), in it's capacity before it became a Calif. Limited Liability Partnership, and subsequently.

(b). John P. (Jack) Walker, Jr. (Walker), attorney at L&W.

(c).William J. Meeske (Meeske), attorney at L&W.

(d). Vincent Herron (Herron), attorney at L&W.

The Above Four (4) Defendants are Represented by:
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633 West Fifth Street, Suite 4000
Los Angeles, California, 90071,
Tel. No. (213) 485 1234

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**THE SUBJECT APPEAL**

**July 13, 2000** - Opinion of 9th Cir. Court Clerk, regarding Appellant's Petition for 2nd. Rehearing. (see Appendix pg. 32)

**June 28, 2000** - Order of U.S.C.A. for the Ninth Circuit, before: Kozinski, Rymer and Fisher, Circuit Judges, denying Petitioner's petition for panel rehearing and for rehearing en banc. ( see Appendix pg. 33 )

**May 3, 2000** - Memorandum of U.S.C.A. for the Ninth Circuit,Submitted April 17, 2000 before Kozinski,Rymer and Fisher, Circuit Judges ( See Appendix pg.35-36)

**EXCERPTS FROM PROCEEDINGS DOCKET SHOWING CLEAR EVIDENCE OF DEFAULT BY L&W, WALKER, MEESKE, HERRON & OTHERS**
(See Appendix pg. 37-44)

**U.S.C.A. Docket No. 00-80015 - PETITIONERS COMPLAINT OF MENTAL DISABILITY/ JUDICIAL MISCONDUCT OF DISTRICT COURT JUDGE,** ( see Appendix pg. 44-54)

**IN THE SUPREME COURT OF CALIF. No. S 085523**
**2nd. APPELLATE DISTRICT, DIVISION FIVE, NO B119354**

**March 1, 2000** Order of Chief Judge Ronald George, denying Petitioner's petition for review, of the Appellate

Court of the State of California. [1/] (see Appendix pg. 55)

**CALIFORNIA STATE BAR VERIFICATION OF IMPERSINATOR ALAN HARRIS POSING AS ATTORNEY**
(see Appendix pg. 56)

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1 / Prior to the 90 day time for petitioning this Court for a writ of certiorari to review that judgment, entered by the Supreme Court of California, Petitioner removed the L&W malpractice and professional negligence case on May 25,2000 to a federal court where the federal issues of bankruptcy fraud, RICO/Civil Rights/Antitrust/ Securities fraud, should have been brought in the first place. That case is now pending transfer to the U.S. District Court, N.D. Calif, San Jose Division, where personal jurisdiction lies.

## STATEMENT of JURISDICTION:

Jurisdiction is found in 28 USC Sect. 1257. Review is sought from the final Order of the U.S.C.A for the Ninth Circuit, dated and entered on June 28, 2000, denying Petition for Rehearing (90 days hence, is Sept. 26, 2000). This Ninth Circuit Court decision is in conflict with all other United States Court's of Appeal, on the same important matter, the 9th Circ. has so far departed from the accepted and usual course of judicial proceedings, and sanctioned such a departure by the U.S. District Court, as to call for an exercise of this Court's supervisory power under 28 USC 1254 and Sect. 1651(a).

## STATEMENT OF THE CASE:

This is a case wherein L&W, Walker, Meeske and Herron, were in Default, pursuant to Declaration of Service of Summons & Rico Complaint, made under penalty of perjury, wherein Angela Naskar declared that she served all four of the above named parties on Dec. 7, 1998 @ 11:10 a..m., with the Complaint and a U.S. District Court form; *Summons in a Civil Action,* wherein each one of them was individually summoned and required to answer the Complaint within 20 days, as was shown on the face of the summons, signed by the Deputy Clerk. These four Defendants failed to answer or file any pleadings whatsoever in the specified time. All four, were unquestionably in Default.

Petitioner, filed "Proposed Default by Clerk, and Default Judgment by Court", in a timely manner, but both were ignored by the District Court. The Presiding Judge proceeded in utter error when he denied Petitioner's *"Request to Enter Default: Declaration of Proof of Default by Defendants; L&W, Walker, Meeske, Herron and other Defendant's"*, filed on Jan 4, 1999. (See Appendix pg.37 items #21-23,

dated 12/29/9 clearly showing default & items #27-53.) The judge, accepted the defaulted parties papers anyway, upon which the Court made a subsequent Order on Summary Judgment, without required notice to Petitioner, as required by Local Rule 56. The judge then dismissed Petitioner's RICO case against L&W, Walker, Meeske and Herron, with prejudice.

The Ninth Circuit Court of Appeals was provided the same facts and all of the required documents in the Excerpts of Record which were submitted by Petitioner. The Ninth Circuit was also biased against a Pro Se Litigant, favoring the behemoth L&W law firm and the familiar face of Walker, who is an icon at the Ninth Circuit. As a result that Court of Appeals, failed to comply with all other Court's of Appeal, and failed to grant Petitioner's Appeal on that simple and straightforward cause of Default.

From that very first encounter, U.S. District Court Judge, Ronald. M. Whyte, was biased and against Petitioner, in violation of Gen.Order 40. Furthermore, he usurped the case from the Hon. Jeremy Fogel, to whom the Court Clerk assigned the RICO Case, at random, at the time of filing (See Appendix pg. 37, item #2 dated 11/16/98 ).

Petitioner, during the course of Case No. 98-1924 and 98-1955, in this Court, made a Motion for Consolidation of two Cases on Appeal at the California Court of Appeal & 9th Cir. Court of Appeals, with Cases, 98-1924 and 98-1955, on June 16, 1999, wherein the above *"default documents"* were all included in Petitioner's Excerpts of Record, provided to this Supreme Court.

Unfortunately, this Court refused to consider these extremely significant and simple violations of Federal Rules of Civil Procedure. Had it intervened 15 months ago, it would have certainly ordered remand for jury trial. It is suspected that the reason why, it did not, simply put was, "because Petitioner

is a Pro Se litigant."

In the event this Court did not keep copies of the above Motion, Petitioner has several copies in his possession. He is willing to provide as many as he has, to this Court. Therein evidentiary proof exists, clearly showing that the issue of fraud presented there against these Defaulted parties is all that, is required for the Supreme Court to vacate The Ninth Circuit Court of Appeals Mandate. This case should then be remanded back to the Northern District Court of Calif. of Judge Jeremy Fogel for a RICO/Civil Rights jury trial. Further obstruction of justice should not be allowed to delay justice for Petitioner's recovery, by reason of the facts, explained to the best of his, *Pro Se ability*, as follows:

**HISTORICAL BACKGROUND 1986 -1992:**
BANKRUPTCY FRAUD PREVAILED IN THE *FIRST INSTANCE* -

Petitioner was defrauded of approximately $114,852,530 worth of land and capital - through false representations that his Attorney's at Latham & Watkins ("L&W") were representing his best interests, when Petitioner was the sole owner of that land, and later when he became a majority (80%) owner in a Calif. Limited Partnership.

At all relevant times, L&W and their recommended consultants, fraudulently charged Petitioner in excess of $876,320.88 in legal fees, which he paid, during the course of six years, from July 1, 1986 until July 8, 1992.

It was unknown to Petitioner that, at all relevant time, L&W was also representing the Walt Disney Company. That fact was purposely, not ever revealed to Petitioner. That was an irreconcilable conflict of interest, constituting fraud, which by all standards, including California law, should have been disclosed before Petitioner retained L&W.

The conflict of interest stemmed from the fact that L&W knew that Petitioner's sole partner in the

above California Limited Partnership was Sharon Disney Lund ("Sharon"),Walt Disney's daughter. She, at all relevant times, from 1984 to the time of her death in 1993, was an elected member of the Board of Directors, and a paid Executive Officer of the Walt Disney Co.

Sharon's lawyer's, knowing the fact that L&W was working for the Walt Disney Co., recommended to Petitioner that he retain L&W. In so doing and since that time, L&W, through it's then managing partner Walker, associated with the RICO conspiracy, conducted or participated directly or indirectly, in the conduct of that *ENTERPRISE'S* affairs, through a pattern of *"racketeering activity"* within the meaning of RICO, 18 USC Sect. 1961(5), in violation of RICO, 18 USC Sect. 1962(c)(d).

Sharon, L&W and her lawyers induced Petitioner to enter into that California Limited Partnership, on May 22, 1987, where he, in good faith, pledged his land and invested capital. Petitioner, at the time, was at the final stages of obtaining Los Angeles County entitlements for a large Golf/Equestrian oriented community, including a luxury resort hotel, to be built on his property. As a direct result of Petitioner's efforts, that property consisting of approximately 700 acres, was valued, prior to entering into the Partnership Agreement, in April of 1987, at $110,000,000.

Sharon, her lawyer's, L&W and Walker, also failed to disclose to Petitioner, before he pledged his land and invested capital, the fact that Sharon, her mother Lillian B. Disney and her sister Diane Disney Miller, pledged an equivalent amount of money, equal to the value of Petitioner's land, approx. $110,000,000, to the County of Los Angeles for the Walt Disney Concert Hall. Such disclosure was mandated by California Partnership law and called for, in the *"Representations Section"* of that California Limited Partnership Agreement, which her own lawyers authored, but in conspiracy with

L&W, maliciously failed to disclose the Disney ladies $110 million gift. Had that required disclosure been made, Petitioner would have never entered into that Partnership.

Later on, Sharon's lawyer's and the RICO conspiracy interfered with certain provisions of that Partnership Agreement, when they required that Petitioner subordinate $9,289,000 in secured notes owed him by the Partnership, to Sharon's new $5,000,000 loan. Her lawyer's advised her, and Sharon gladly made that loan to the Partnership, with borrowed money from her mother and sister, knowing that she and they could foreclose on the entire $110,000,000 property eventually, if she could delay approvals, at the County of Los Angeles, for Petitioner's project.

In order to accomplish their scheme, Sharon's lawyers, the County of Los Angeles, through it's CEO at the time, Harry Hufford, Michael D. Antonovich, Supervisor of the District where the property is located., Edmund D. Edelman, another Supervisor, L&W, Walker, Sharon's sister, mother and others became associated with the Racketeer *ENTERPRISE*. The RICO Conspiracy became know to Petitioner, for the first time, in January of 1998. It has been identified as the "Sharon D. Lund Enterprise", hereafter referred to as "*ENTERPRISE*".

The scam of the RICO conspiracy was to take over Petitioner's business and prevent Petitioner from obtaining any money from sources other than the Disney women, so that they could and in fact did, cut off all sources of funds and ran the Partnership into Bankruptcy, forcing it to file Chapter 11 on 12-06-89.

The Bankruptcy Court Judge, William J. Lasarow, was corrupted by Sharon's lawyers. It is alleged that, L&W, Walker and his lawyers, working under his direction knew that fact. L&W represented Petitioner's creditor interest's, in which he was owed

in excess of $55,000,000 in claims. L&W prepared those claims, charged Petitioner for that task, but they knew that Lasarow, as part of the RICO conspiracy, had agreed to never approve anything at all, including anything that Petitioner suggested to L&W, to pay off the debts and get the Partnership out of Chapter 11.

Petitioner was blocked by the RICO conspiracy from selling the project at a discounted price of $75,000,000 cash, for which he obtained bone-fide offers. The RICO Conspiracy delayed approvals at the County and objected to all such sales, in Lasarow's Court, which were of course, contingent on those County approvals. It was a classic "textbook" gangster type scam, where the Racketeer's buy a small part of a business, make loans which cannot be repaid, wait for the right moment and then force the original owner out, getting 100% of the ownership for a few cents on the dollar.

For over a year, Petitioner was constantly delayed by the RICO conspiracy. In the Spring of 1991, the plans were to be unveiled for the Walt Disney Concert Hall, at the La Scala Opera House in Milan, Italy.

At the same time, through reapportionment of Los Angeles County, Supervisor Edmund D. Edelman took over a portion of Supervisor Michael D. Antonovich's supervisorial district, in which lay the Partnership's Property. Up until then, Supervisor Antonovich was constantly being "comped" by the Disney ladies with thousands of dollars of free dinners, booze at Club 33, and free tickets at Disneyland in Anaheim Calif., for himself and his friends. In 1997, Petitioner discovered, for the first time, that those "comped" amounts, amounted to staggering sums of money, constituting bribes paid by the Disney ladies to Supervisor Antonovich, who caused delays to Petitioner's project approvals, at the RICO Conspirators

command.

At the same time in 1991, the RICO Conspirators, were working in agreement with the County of Los Angeles' CEO, Harry Hufford, to build the Walt Disney Concert Hall and delay, through the new Supervisor for the district, Edmund D. Edelman, Lasarow L&W, Walker and the other Conspirators, Petitioner's project, to get rid of Petitioner "cheap." They conducted or participated directly, in the conduct of the *ENTERPRISE'S* affairs through a "pattern of racketeering activity" within the meaning of RICO 18 USC Sect. 1961(5), when Sharon's lawyers advised her to breach the Partnership Agreement, with Petitioner, take over as the General Partner, throw out Petitioner by paying him "a few cents on the dollar", of the true value of the Partnership's assets, in violation of RICO, 18 USC Sect. 1962(c)(d) combined with violations of 42 USC Sect's. 1983, 1985 & 1986.

In early May of 1991, Petitioner still was in control of the Partnership. On or about May 5th, there was to be a final Approval by the County of Los Angeles of the entitlements for the Partnership's development. At the last minute, Supervisor Edelman stalled and delayed the approval on an absurd pretext, suggested by the RICO Conspirators, that the Planning Commission should take another look at the Project. The Planning Commission had looked at the project many times since 1978, and County Counsel agreed with Petitioner, that Edelman's move was just another malicious delay.

It was no coincidence that, on May 10th, RICO Conspirators, including Judge Lasarow, had scheduled a hearing for the approval of Sharon's hostile plan for the Reorganized Debtor, through which the RICO Conspirators schemed to illegally accomplish their scam, to throw out Petitioner.

On May 9th Petitioner had the Debtor's counsel, John T. Janosik, file a conversion, from

Chapter 11 to a Chapter 7. Judge Lasarow approved that change on the afternoon of May 9th. That order, in fact, canceled the next day's hearing, and the Chapter 7 Debtor was in the hands of a Trustee. Reorganization in Chapter 7, was and is not allowed to take place. The RICO Conspirators took the law into their own hands to violate the intent of the U.S. Congress, when Lasarow ordered a void reorganization in Chapter 7.

L&W and Walker knew all of the above facts. Also, they had prepared the papers for the Debtor's counsel, in a conflict of interest, for conversion from Chapter 11 to 7. L&W and Walker associated with the *ENTERPRISE*, refused to Appeal that void Order on behalf of Petitioner, who demanded that they Appeal. L&W and Walker, acted in the conduct of the *ENTERPRISE'S* affairs, through a pattern of racketeering activity within the meaning of RICO 18 USC Sect. 1961(5), in violation of 18 USC Sect. 1962 (c)(d).

Later on in 1997, Petitioner discovered, for the first time, that Sharon, her mother and sister paid for Edmund D. Edelman and his wife, in April of 1991, to take them in a private jet to that unveiling of the Walt Disney Concert Hall, in Milan Italy, and on to Paris for the opening of the Euro Disneyland, at a total cost exceeding $200,000.00. The RICO Conspirators at Sharon's law firm, with L&W's and Walker's knowledge, arranged for that trip, which was Edelman's bribe to throw the project back to the Planning Commission, same as Antonovich was bribed earlier for causing similar delays. Thus it was alleged that, state actors who were employees of Los Angeles County and the other Conspirators associated with this *ENTERPRISE*, conducted or participated directly, in the conduct of the *ENTERPRISE'S* affairs through a "pattern of racketeering activity" within the meaning of RICO, 18 USC Sect. 1961(5), in violation of RICO, 18 USC Sect. 1962(c)(d) & in violation of 42 USC Sect's.

1983, 1985 & 1986.

Approximately seven month later, the RICO Conspirators at Sharon's law firm, arranged with L&W and Walker to pay Petitioner a little over a million dollars net for his entire interest in that Partnership. [1/] That was a fraud, by reason of the fact that, California Limited Partnership's are legally dissolved in a California Superior Court, where fair market value appraisals determine the value of partnership assets. After all expenses are paid, the partner's share in the proceeds according to their respective % interests. Petitioner was a 77.44% owner at that time. An unchallenged MAI Appraisal, made on March 1, 1991, showed the value of the Partnership assets to have been, at that time between $72,000,000 and $92,000,000. The debts to third parties did not exceed $12,000,000 at that time. The RICO Conspirators, including L&W, Walker, through a *"pattern of racketeering activity"* within the meaning of RICO, 18 USC Sect. 1961(5), in violation of RICO, 18 USC Sect. 1962(c)(d), deprived Petitioner of his rights to a 77.44% share of such net assets, avoiding a required dissolution in state court.

In the conduct of the *ENTERPRISE'S* affairs, L&W, Walker, Michael D. Antonovich, Edmund D. Edelman, Harry Hufford, Walt Disney Concert Hall No. 1 & No. 2, Lasarow, and the other Conspirators,committed common law fraud and Bankruptcy Fraud, in a *"pattern of racketeering activity,"* combined with Civil Right's deprivation, through which they destroyed the true value of Petitioner's 77.44% ownership interest in that

1 / In that fraudulent arrangement, Walker's, L&W's, Debtor's Counsel and all other attorney's and their consultant's, who provided services for the Debtor Partnership, were paid from the funds to have been received by Petitioner, even though Petitioner was indemnified in that California Partnership Agreement by the Partnership, which agreed to pay all such fees and costs, on behalf of Petitioner. Lasarow approved such payments, anyway.

California Limited Partnership. It was dissolved between the partners, by a void Order dated July 1, 1992 made by Conspirator, Lasarow in his Bankruptcy Court, where Lasarow admitted on 4/2/92, he lacked jurisdiction to do so.

Walker and L&W could not take the matter to L.A. County Courts, by reason of the fact L.A. County was a Conspirator in the RICO Conspiracy. Secretly, L. A. County Supervisor Edelman wanted the land for himself.

The above RICO Conspirators, including L&W and Walker, did what they were paid to do by Sharon, her mother, her sister, and Sharon's father's company. In conflict with Petitioner's interest, L&W and Walker, after demanding and getting paid substantial legal fees, with premeditated malice, handed over 100% ownership of Petitioner's valuable assets, to the RICO Conspirators, illegally and without adequate compensation, on July 8, 1992, when they with the other Conspirators conducted or participated directly, in the conduct of the *ENTERPRISE'S* affairs, through a "pattern of racketeering activity" within the meaning of RICO, 18 USC Sect. 1961(5), in violation of RICO, 18 USC Sect. 1962(c)(d), in combination with deprivation of Petitioner's rights to due process under 42 Sect's. 1983, 1985 & 1986.

## HISTORICAL BACKGROUND 1992 -1998; ON-GOING RICO/CIVIL RIGHTS VIOLATIONS

Through L&W, Walker and the other Conspirators of the RICO conspiracy, the *ENTERPRISE* continued to conduct, manipulate cover-up and corrupt all subsequent attempts by Petitioner to recover that which they illegally took from him on July 8, 1992. Sharon's lawyers, L&W, Walker, Los Angeles County and later on

Meeske and Herron who, through a *"pattern of racketeering activity"*, within the meaning of RICO, 18 USC Sect, 1961(5), in violation of 1962(c)(d), 1963, 1964 (a)(c), made agreements with some State of California Superior Court judge's and other employees of L.A. County, who are "State Actors" under color of law, to conspire with the other RICO Conspirators to deprive Petitioner of his rights to due process, and the recovery of his ownership of *significant property*, and invested capital, by depriving him of his Civil Rights, in violation of 42 USC Sect's. 1983, 1985 & 1986, causing direct civil damages to Petitioner, combined with 18 USC Sect. 1964(c)(d).

Petitioner recently discovered that, since then; the County of Monterey and it's employee, Judge Richard Silver, acted as a Conspirator with the RICO *ENTERPRISE* [2/] and attorney Bennett

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2 / Similar acts were present in Handeem v. Lemaire, (8th Cir. 1997)112 F3. 1339. Sharon, totally depended on two of her lawyers to control & manage, the on-going Bankruptcy fraud, by L&W, Walker. The complex planning & entitlement process at L.A. County and bribes arranged through, the RICO conspiracy, were beyond Sharon, who had no concept of how the *ENTERPRISE* had to be run, to oust Petitioner. Taking all of Petitioner's real properties, one by one, first in Southern and then in Northern California, was not managed by her. All of it was done by her two lawyers. A general standard has emerged since *Reves v. Ernst & Young - Handeem* argued, an attorney generally does not conduct an enterprise's affairs *"through run-of-the-mill provisions of professional services"* - in the words of the Eighth Circuit in *Handeem* - ***" be mistaken for an absolute edict that an attorney who associates with an enterprise can never be liable under RICO. An attorney's license is not an invitation to engage in racketeering, and a lawyer no less than anyone else is bound by generally applicable legislative enactments. Neither*** Reves ***nor RICO itself exempts professionals, as a class, from the law's proscriptions, and the fact that a defendant has the good fortune to possess the title "attorney at law" is standing alone, completely irrelevant to the analysis dictated by the Supreme Court [in*** Reves***]."***

A. Rheingold. When, in late September of 1996, they deprived Petitioner of due process and ownership of his Carmel Highlands, ocean front property. That *significant one-of-a-kind property* was appraised at the time at $1,850,000. Rheingold and "State Actor" Silver, under color of law, took that property, illegally without paying for it, in violation of 42 USC Sect. 1983. Their acts were part of the same *"pattern of racketeering activity"* within the meaning of 18 USC Sect 1961(5) in violation of 1962(c)(d) taking all real property that belonged to Petitioner, one after another, through an elaborate RICO conspiracy, extortion scheme, which started on Jan. 14, 1991.

This scheme involved a Japanese national, Mr. Park, induced through international mail and wire fraud, by the Conspirators, to pose as a buyer for the Partnership assets.

Park purportedly loaned money, secured by Petitioner's personal property, held in the name of a wholly owned company, United States Building Corp. However, all such obligations between Petitioner, his Company on the one hand and Mr. Park and his Company on the other hand, were legitimately canceled through a signed Cancellation Agreement and Mutual Release, executed by both parties, on Feb. 20, 1991. That document was delivered to Petitioner, to Sharon's lawyers, L&W & Walker in July of 1991, by Park's attorney's with Rheingold's knowledge.

Rheingold, who was "of counsel' to that firm, was aware of that fact. He lied in Judge Silver's Court, in Monterey County that, Petitioner had an obligation to pay Park money when that obligation was known to have been extinguished and totally released. Silver was also aware of the release but allowed Rheingold and his client to illegally foreclose on Petitioner's valuable real property in Monterey County in a "pattern of racketeering activity" within the meaning of RICO USC Sect. 1961(5), in

violation of RICO, 18 USC Sect. 1962(c)(d).

Los Angeles County, was corrupted by the RICO Conspirators to violate RICO Sect. 1962(c)(d) in a similar taking to that which occurred in Monterey County. Petitioner personally owned 33.4 valuable acres, located adjacent to the Partnership's Property, in L.A. County. L.A. County with "State Actors" Supervisor Edmund D. Edelman, Larry Monteilh, Harry Hufford and Joseph Edmiston, of the Santa Monica Mountains Conservancy, and with the assistance of the County Tax Assessor's office re assessed that 33.4 acres without cause, tripling it's assessed value in 1991. Petitioner complained, asking L.A. County Supervisors and the Tax Assessor's office to lower the assessed value and lower the real property taxes to conform to Calif's. Proposition 13, to no avail. L.A. County refused, and took the property from Petitioner without cause, without paying for it, giving it to Joe Edmiston's, Santa Monica Mountain Conservancy, for a Park, in 1997. That Property was combined with all of the Partnership's Property, subsequently to Sharon's untimely death. Now, all of Petitioner's property, once solely owned by him, and which he pledged to the Partnership, is owned by the County of Los Angeles and it is a State of California Park, named the Edmund D. Edelman Park, in honor of the Supervisor, who was bribed by the RICO Conspiracy, to delay Petitioner's entitlements. Naming a State of California Park after him was part of that bribe, by RICO Conspirators.

In 1993, Petitioner filed a legal malpractice and professional negligence action in State Court against L&W, and it's attorney's. That law suit was filed in pro per, but Frederick A. Cone, a licensed California attorney was retained, soon after the suit was filed, to represent Petitioner against L&W. During the course of litigation, unbeknownst to Petitioner, Cone lost his right to practice law, through a felony conviction, which involved, among

other crimes, embezzling his client's trust funds.

Prior to that event, L&W, Walker, and Meeske went judge shopping and replaced two trial judges with the assistance of the RICO Conspirators. Such "Judge Shopping" in the conduct of the *ENTERPRISE'S* affairs became a "pattern of racketeering activity" within the meaning of RICO 18 USC Sect. 1961(5), in violation of RICO 18 USC Sect's.1962; 1503; 1510;1511 & 1591.

Subsequently, Petitioner retained attorney, Paul A. Frassetto to represent him against L&W. A few months before a demanded jury trial was to begin, Paul Frassetto called Petitioner to let him know that his firm had merged with William Gwire and the new firm of Gwire and Frassetto was going to take over Petitioner's representation against L&W. Then, when Frassetto was on an extended trip to Malaysia, Bill Gwire asked to meet with Petitioner, in Frassetto's absence. Petitioner agreed to meet Gwire in their new San Francisco offices, where Gwire demanded that his new firm be paid $125,000 in cash to continue representing Petitioner, against L&W.

The retention agreement with Frassetto was breached by Gwire & Frassetto. Petitioner had no intention and no money to pay the $125,000. Gwire & Frassetto substituted out and Petitioner was put back in Pro Per, four months before trial was to begin (November 26, 1997). Petitioner alleges that the RICO conspiracy, through L&W, Walker, Meeske and Herron caused William Gwire to maliciously breach Frassetto's retention agreement. In so doing, Gwire, Frassetto and Gwire and Frassetto violated 18 USC Sect's. 1962(d) and 1964(c)(d), in conspiracy with L&W and in combination with the Clayton Antitrust Act, causing direct civil damages and injury to Petitioner, through a "pattern of racketeering activity" within the meaning of RICO, 18 USC Sect 1961(5). The Conspirators eliminated competition, through a

monopoly of price fixing in practicing law in state and federal courts. The effect was excluding access to such courts, illegally to, Petitioner, in violation the Sherman and the Clayton Antitrust Acts.

One month before trial was to begin, Petitioner was desperate for legal assistance, he called many attorneys who refused to take the case because; (a) they could not do so on such short notice, (b). they didn't want to take on the behemoth law firm that was L&W, and it's icon Walker.

Petitioner, remembered that Frederick A. Cone, earlier had mentioned that he knew a good legal malpractice attorney in Chicago, who was moving to Los Angeles. Cone told Petitioner that attorney was Alan Harris with the Harris & Ruble law firm. After some negotiations and due diligence by Petitioner on Alan Harris, Petitioner agreed to retain Harris & Ruble on a contingency fee agreement, to represent Petitioner against L&W.

The result was that after Petitioner paid the equivalent of the $20,000 retainer, Alan Harris with his wife and partner Marcela Ruble, with planned premeditated malice, in agreement with the RICO Conspiracy, did not post jury fees as required and failed to oppose 21 motions in limine. Then voluntarily withdrew their firm's representation five days before trial was to begin. With moral turpitude, Superior Court Judge Shook refused to allow Petitioner additional time to post jury fees and/or to replace Harris & Ruble. Shook forced and extorted with threats Petitioner into an unwanted void settlement for a small fraction of recovery of the true value that the malpractice and professional negligence action would have yielded in a jury verdict. L.A. County Superior Court Judge, John P. Shook, a "State Actor" in agreement with the RICO Conspirators, with premeditated malice refused to extend the trial date depriving Petitioner of due process in violation of 42.USC Sect. 1983.

Shook, and Alan Harris, who was not licensed

to practice law in California, he was an Impersonator,as was later discovered (see Appendix pg. 56). Harris conspired with L&W, Walker, Meeske, Herron and the other Conspirators associated with this *ENTERPRISE* conducted or participated directly in, the conduct of the *ENTERPRISE'S* affairs through a pattern of "racketeering activity" within the meaning of RICO, 18 USC Sect. 1961(5), in violation of RICO, 18 USC Sect. 1962(c)(d). Their acts were made in combination with deprivation of Petitioner's rights to due process, by "State Actors" who are employees of L.A. County, who acted as Conspirators in the RICO Conspiracy, in violation of 42 USC Sect's. 1983, 1985 & 1986 and in combination with violations of the Clayton Antitrust Act. Such acts kept Petitioner from access to state court's through a monopoly created by Sharon's lawyers, L&W, Walker, Meeske and Herron, causing direct civil damages and injury to Petitioner.

Further, it was discovered when Petitioner learned Alan Harris' true name, that Dale A. Harris was a major owner in a manufacturing company, located in the State of Illinois, which is a major contractor for products made especially for and licensed by the Walt Disney Co. The same irreconcilable conflict of interest was hidden from Petitioner, as was present before he entered into the retention agreement with L&W, shown above. L&W, Walker, Meeske Herron and Harris with the RICO conspiracy and in the conduct of the *ENTERPRISE'S* affairs through a *"pattern of racketeering activity"* within the meaning of RICO 18 USC Sect. 1961(5), violated RICO 18 USC Sect's. 1962(c); 1503; 1510; 1511 & 1591.

Fraudulently, Alan Harris and Paul Frassetto, filed lien notices against the settlement proceeds, which were never paid to Petitioner. Alan Harris and Harris & Ruble, coerced by RICO Conspirators, filed a law suit against Petitioner and

his wife claiming, among other things, that both of them owed Harris & Ruble an amount of money which exceeded the total amount that L&W was to pay Petitioner in that invalid, void settlement.

In August of 1998, Alan Harris and Harris & Ruble filed yet another law suit, this time in Beverly Hills, against Petitioner for libel and slander demanding $25,000. Petitioner counter sued, seeking $10,000,000 in damages. The case was to be handled by L.A. County, Commissioner Gerald Rosenberg, to whom Petitioner refused to stipulate. Rosenberg, in conspiracy with the RICO *ENTERPRISE*, attempted to deprive Petitioner of a jury trial. Rosenberg, without jurisdiction, made an Order which dismissed Petitioner's Cross Complaint. Petitioner had the suit transferred to L.A. Superior Court of Judge Charles Rubin, who essentially agreed with Petitioner that Rosenberg had exceeded his authority, and all of his orders were void. Judge Rubin scheduled a Jury Trial, in his court, but refused to reinstate Petitioner's Cross Complaint. It was shortly thereafter that Petitioner removed all of these cases to the Central District Bankruptcy Court, canceling the jury trial in Judge Rubin's Court. Petitioner attempted to withdraw the reference to the U.S. District Court, in the Central District of California, for a jury trial before an Article III Judge, that motion was denied.

The above acts, from July 8, 1992, by Harris, L&W, Walker, Meeske, Herron and the other Conspirators associated with this *ENTERPRISE* conducted and participated directly, in the conduct of the *ENTERPRISE'S* affairs through a continual and unbroken *"pattern of racketeering activity"* within the meaning of RICO 1961(5) which caused an accrual of direct civil damages to Petitioner, and which gave rise to Petitioner filing the subject and underlying, RICO/Civil Rights Action in U.S. District Court, Northern District of California, San Jose Division, by reason of the fact that, all Conspirators

violated and injured Petitioner under RIC0, 18 USC Sect's. 1961(5) & 1964(c)(d).

**HISTORICAL BACKGROUND 1998-2000; ON-GOING RICO / CIVIL RIGHTS VIOLATIONS TO THE PRESENT TIME, DURING WHICH TIME U.S. DISTRICT COURT JUDGE RONALD M. WHYTE FAILED TO RESTRAIN THE DAMAGES CAUSED PETITIONER, AS WAS HIS DUTY TO DO SO UNDER RICO, SECT. 1964(a) & UNDER 42 USC SECT. 1986, WHYTE FAILED TO NOTIFY THE ATTORNEY GENERAL, AS WAS REQUESTED BY PETITIONER, UNDER RICO, SECT. 1964(b).**

In spite of the fact that all cases in State of Calif., L.A. County Superior Court's were lawfully removed to a federal court on May 25, 2000 and on July 14, 2000 and proper notice was given to all adverse parties, stating that, *THE EFFECT OF REMOVAL OUSTED ALL STATE COURTS OF JURISDICTION*, Alan Harris, in conspiracy with the RICO *ENTERPRISE* went "Judge Shopping" because Judge Rubin knew that his court was ousted of jurisdiction and the jury trial could not proceed.

In early June 2000, Harris found and corrupted another "State Actor", Los Angeles County Superior Court Judge, Linda K. Lefkowitz, into making a void Order. Harris, who was now a full fledged Conspirator, associated with this *ENTERPRISE* conducted or participated, directly, in the conduct of the *ENTERPRISE'S* affairs through a "*pattern of racketeering activity*" within the meaning of RICO 18 USC Sect. 1961(5), in violation of RICO 18 USC Sect. 1962 (c) when Harris lied to Lefkowitz, that Petitioner was notified to show up for the canceled jury trial on June 9, 2000. The corrupted Lefkowitz made a void order, awarded Harris approximately $25,000 in damages and

sanctions, after her Court was ousted of Jurisdiction.

All of the above took place without any notice whatsoever to Petitioner. Los Angeles County, and "state actor" employee Linda K. Lefkowitz, with L&W, Walker, Meeske, Herron & Harris participated directly, in the conduct of the *ENTERPRISE'S* affairs through a "pattern of racketeering activity" within the meaning of RICO 18 USC Sect. 1961 (5), in violation of RICO 18 USC Sect. 1962(c), in combination with violations of the Civil Rights Act 42 USC Sect. 1983 and the Clayton Antitrust Act. Thereby, Lefkowitz caused direct civil damages and injury to Petitioner.

A Corporate Disclosure Statement, made pursuant to Federal Rules of Appellate Procedure ("FRAP") 26.1, by Appellees in related case U.S.C.A. Docket No. 00-15135, by the law firm of Hill, Farrer & Burrill, on June 23, 2000, confirmed that Charles R. Schwab, Chairman of the Charles Schwab Corporation acquired U.S. Trust Co. for $3.2 billion. Prior to the merger, Petitioner made Mr. Schwab personally aware of the potential RICO/Civil Right's liability that U.S. Trust Co. an Executor and Trustees of the Estate of Lillian B. Disney, had to Petitioner.

Shortly thereafter, in June of this year, the law firm of O'Melveny & Myers, through it's attorney, Stuart P. Tobisman, decided to terminate all further proceedings in Lillian B. Disney's Probate Case. Petitioner held a valid RICO/Civil Rights claim in the amount of $112,915,967.04, against U.S. Trust Co., in it's capacity as one of the Executors of that Will, and U.S. Trust Co., in it's capacity as one of the Trustees of Mrs. Disney's Estate.

Petitioner was informed and believes that the Charles Schwab Corporation's acquisition of U.S. Trust Co's. RICO/Civil Rights liability was not disclosed to it's shareholders. Now, the Charles Schwab Corporation and Charles R. Schwab, has

personal RICO/ Civil Rights/Antitrust/Securities fraud liability to Petitioner, by reason of the fact that O'Melveny & Myers and it's attorney, Stuart P. Tobisman, and the other RICO Conspirators, fraudulently, concealed the real reason why the Los Angeles County Probate Court should terminate all further proceedings, in Mrs. Disney's Estate.

The real reason was to extinguish Petitioner's valid claim, and allow the Charles Schwab Corporation to proceed unfettered by such claims, in it's acquisition of U.S. Trust Co., without making the required disclosure to it's shareholders and the U.S. Securities Exchange Commission, who in all probability, would have never allow the merger, had the facts of the RICO Conspiracy been made public. The above named conspirators associated with this *ENTERPRISE,* participated directly, in the conduct of the *ENTERPRISE'S* affairs through a *"pattern of racketeering activity"* within the meaning of RICO 18 USC Sect. 1961 (5), in violation of RICO 18 USC Sect. 1962(c) and 1964(a)(c)(d), in combination with violations of the Civil Rights Act 42 USC Sect's. 1983, 1985 & 1986; the Clayton Antitrust Act. Thereby, Charles R. Schwab, the Charles Schwab Corporation, Stuart Tobisman and the law firm of O'Melveny & Myers, caused direct civil damages and injury to Petitioner.

On July 14, 2000, Petitioner removed that probate case to the U.S. Bankruptcy Court, giving Notice to that Court and all adverse parties that the effect of the removal was that, the State Court shall proceed no further, unless and until the case is remanded. The case has not been remanded. On August 7, 2000, Los Angeles County Probate Judge, Edward R. Ross, was advised by Petitioner in a public hearing that, his Court was ousted out of jurisdiction by the removal and could not make any orders in the subject probate case. Judge Ross, corrupted by O'Melveny & Myers, Tobisman and other RICO Conspirators, replied " . . . *then you won't*

*mind if I grant the Motion, since it's void anyway ?"*

Los Angeles County, in conspiracy with O'Melveny & Myers, it's attorney Stuart P. Tobisman and "state actor" County employee Edward R. Ross, a Superior Court Judge, under the color of law and the other Conspirators associated with this *ENTERPRISE* conducted or participated directly, in the conduct of the *ENTERPRISE'S* affairs through a *"pattern of racketeering activity"* within the meaning of RICO, 18 USC Sect. 1961(5), in violations of 18 USC Sect. 1962(c)(d), in combination with violations of the Civil Rights Act 42 USC Sect. 1983 and the Clayton Antitrust Act, and the 1934 Securities Exchange Act. All of them caused direct civil damages and injury to Petitioner, under 1964(c)(d).

All of the above acts were committed by all the named Conspirators associated with this *ENTERPRISE* through a *"pattern of racketeering activity"*, which essentially eliminated Petitioner, a Pro Se litigant, from competition, through a monopoly of price fixing, in practicing law in state and federal courts. The *ENTERPRISE* excluded access to such courts, illegally depriving Petitioner, who is a Pro Se litigant, of access to both state and federal courts, in violation of the 1st., 7th., and 14th. Amendments to the Constitution of the United States, and the implied right to self representation, in civil matters, such as Petitioner was forced into. As a result of the monopoly created by the RICO *ENTERPRISE* and it's Conspirators, he was injured.

**As a result of the above RICO Conspirators undue influence, Petitioner was unable to vacate the invalid settlement, imposed by the corrupt L.A. County Conspirator Judge Shook, at the California State Court of Appeal, and Petitioner's Petition for Writ of Certiorari was denied at the Supreme Court of California. Before the 90 day expiration to seek review by this Supreme**

**Court of the United States, Petitioner removed the L&W malpractice case to the U.S. Bankruptcy Court, which retained jurisdiction over all matters concerning the Debtor Partnership. The L&W case should have been originally filed there, because federal issues were in question. Now the L&W case is in process of being transferred and consolidated for a jury trial, in the U.S. District Court, with a RICO/Civil Rights/ Antitrust/ Securities Fraud Action filed on Sept. 19, 2000, in the San Jose Division of the U.S. District Court for the N.D. of Calif. as Case No. CV 00-20962, against the following Co Conspirators/ Defendant's:**

**Charles R. Schwab; The Charles Schwab Corporation; O' Melveny & Myers LLP; Stuart P. Tobisman; John P. Shook; County of Los Angeles; Michael D. Antonovich; Edmund D. Edelman; Walt Disney Concert Hall, No. 1; Walt Disney Concert Hall No. 2; Gerald Rosenberg; Linda K. Lefkowitz; Harry Hufford; Frederick A. Cone; Marcela Ruble; Lisa McKenzie; Dale A. Harris aka Alan Harris; Latham & Watkins; Bennett A. Rheingold; County of Monterey; Richard Silver; Harris & Ruble; Paul A. Frassetto; William Gwire; Gwire & Frassetto.**

Another Case No. 99-21236, is a verified complaint, which named Ronald M. Whyte as a Defendant Coconspirator in RICO/Civil Rights violations. That Case is pending on a Petition for Extraordinary Writ of Mandamus against Respondent Court of Judge Ronald M. Whyte, who this time dismissed the entire case with prejudice, before any Defendants filed any responsive pleadings. That Petition for Mandamus is Docketed at the 9th Cir. Court of Appeals as No. 00-70779.

This underlying District Court Case CV 98-21139, was originally assigned to Judge Fogel on Nov. 16, 1998, when it was filed and was usurped by Judge Ronald M. Whyte, who later, dismissed all the

other RICO Conspirators/Defendants with prejudice. The matter is fully briefed on Appeal to the 9th. Cir. Court of Appeals, Docket No. 00-15135

## ARGUMENT - REASONS FOR GRANTING PETITION

Had the Ninth Circuit Panel reviewed de novo as they claim, they would have found 34 predicate acts of *"racketeering activity"* in the Complaint filed 11/16/98. More than half include L&W, Walker, Meeske and Herron, who with other RICO Coconspirators formed an association-in-fact for the purpose of Defrauding Petitioner. The association-in -fact was an *ENTERPRISE* within the meaning of RICO, 18 USC Sect. 1961(5).

At all times relevant, this *ENTERPRISE* was engaged in, and it's activities involved, interstate and foreign commerce, within the meaning of RICO, 18 USC 1962(c)(d).

Specifically, at all relevant times, L&W, Walker, Meeske,Herron & other Coconspirators associated with the *ENTERPRISE,* conducted or participated, directly, in the conduct of the *ENTERPRISE'S* affairs through a *pattern of racketeering activity* within the meaning of RICO, 18 USC Sect. 1961(5), in violation of RICO 1962(c). In so doing, they made agreements with Petitioner which they never intended to keep. In the subject matter, L&W never paid Petitioner "one dime" for the general release and the dismissal with prejudice which he signed. The Appellate Panel, at pg. 34 in the Appendix, points out two incomplete facts:

(a) *"that "Wojciechowski signed a general release of claims discharging L&W from any claims related to prior litigation"* but the Panel fails to point out that no consideration was paid by L&W to Petitioner.

(b) *"and because Wojciechowski provided no evidence to show that the release was invalid."* The Panel was made aware of the Bankruptcy Fraud

and other fraud caused by L&W and it's attorney's, which was discovered after the release was signed. That discovery was the evidence which gave rise to the RICO Action, because it clearly showed L&W's participation with the *ENTERPRISE*. Petitioner believes the FRCP Rule 60(b)(6) is available to invalidate not only the subject release, but all other agreements and Orders involved in the RICO violations shown to have been committed by the Coconspirators. Documentary Evidence of those *racketeering acts* exists in the record, as was alleged in thr RICO/Civil Rights First Amended Complaint. Petitioner was not allowed to make such allegations against L&W and it's attorney's, because of the erroneous subject Summary Judgment, which now is readily seen as just an unfortunate *Rush to Judgment*, by the lower court, which must be overturned by the Supreme Court.

## CONCLUSION:

**Wherefore, and by reason of the facts shown, Petitioner suggests as follows;** The Justices of this Supreme Court themselves are an Advocacy for justice in these arguments favoring, Petitioner. Petitioner requests that the Supreme Court of the United States, the Court of last resort, in our Democracy, grants this Petition for Writ of Certiorari.

Petitioner did the best that he knew how, against L&W, the behemoth law firm, which was in Default, never set aside. L&W and it's icon Walker convinced the U.S. District Court and the U.S. Court of Appeals for the Ninth Circuit that Summary Judgment should be allowed to stand, even when it was clear that the behemoth law firm was clearly in Default on Dec. 29, 1998. Dec. 27, the 20 th. day within which responsive pleadings from L&W were due, was a Sunday. No other U.S. District Court or any another Circuit Court of Appeals would have

decided such a basic question, in conflict with the issued summons. The Ninth Circuit Court of Appeals, departed too far, from accepted and usual course of judicial proceedings. No other U.S. Court of Appeals would have approved such bias against any lawyer who stood instead, of an individual who chose self representation. Definitely, such acts of the lower court and the 9th. Circuit Court of Appeals call for an exercise of this Court's supervisory power.

Petitioner, was discriminated against in every paper, in every court, state or federal and not allowed to recover what was illegally taken from him by the "barbaric" acts of RICO Conspirators described herein. Certiorari is sought not just for Petitioner but for a return of dignity in Democracy for all Americans.

In this increasingly barbaric age, the honored and acclaimed, Myers S. McDougall, before he died, throughout his life, was rightfully concerned about human dignity being present in decisions affecting law by our Court's. In a 1998 Yale Law Journal, his unparalleled influence over his universally accepted "Policy-Oriented School of Jurisprudence" was eulogized in tributes derived from remarks given at his memorial service held, October 4, 1998, at the Yale Law School. What Mac, as he was called, contributed importantly to the advancement of Democracy and dignity for people everywhere is indeed a magnificent and lasting achievement. In reading these tributes to Mac, it becomes obvious that his venerable contentions must be juxtaposed in this case. Not because litigation is, in effect, a full form of barbaric warfare today but, because his time tested jurisprudence, in effect, is the most intelligent cite one can make on the subject laid here, before the Supreme Court.

Humbly, and with all due respect, the following, on point historical comparison is provided, Mac held;

(1) *"That the law is not a system of closed*

*norms whose meaning is self evident"* (2) *"Law should be used for the advancement of shared goals and ideals, as an instrument of policy;"* (3) *"These questions of policy can themselves be approached in a rigorous and disciplined way - not ad hoc, slipshod fashion, moving from one question to the next without any guiding principles to structure the inquiry, but in a comprehensive and scientific manner."*

These ideas Mac espoused are at the very core of legal studies in the United States and define the current trend in American legal education. In May of 1997, Mac wrote his last formal statement of his theory;

*" The most useful conception of law is as a process of decision that is both authoritative and controlling. The function of that responsible jurist, advisor, decision maker, who is part of that process, is to develop an appropriate observational standpoint, clarify community goals, identify and then perform the intellectual tasks that will enable him or her to assist those who seek legal or policy advice in clarifying goals, and implementing them in ways compatible with the common interests of the most inclusive community"* 3/

At about the same time, May of 1997, at the ripe age of 91, Mac wrote:

*"The highest calling of all is to enhance human dignity in appropriate systems of public order. For those in the next generation who share this goal, Lasswell and I hope that our work may prove useful in providing principles of content and procedure and the tools for implementing them"* 4/

Petitioner, Pro Se, can never aspire to reach the scholarship of even a "backwoods lawyer", let alone comprehend Mac's complete understanding of the meaning of the *rule of law*, as not that of

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3/ Myers S. Mc Dougal, Preface to Harold D. Lasswell & Myers S. Mc Dougal Jurisprudence for a Free Society v. Student ed., 1997.

4 / Mc Dougal, *supra* footnote above.

men/women. The above is the most favorable, unbiased historical background, in which to consider the context of pending issues vis-a-vie this Petition.

Advocacy for justice in this argument is quite another matter. It is sought not just for Petitioner but for a return of dignity in Democracy for all Americans. Here is open war on barbaric sophistic injustice, better left on the shores of ancient Greece. In this case it was speciously premeditated by "establishment lawyers" who control and guarantee results to their clients, in inferior court's. Which are their killing fields, where their victim's Constitutional rights are wasted. They earn their living illegally in our Democracy deceptively altering it's judicial system in favor of their minority. In this case, depriving Petitioner his absolute right to a jury trial. Their trademark is boldly stamped "sophistication".

At the end of the last Century, after 224 years of an extremely costly maintenance of Democracy, we seem to have yielded custody to a rather shabby minority, a de-facto oligarchy, in the hands of such lawyers. That is an undisputed fact men/women are adulterating law. The *rule of law* has been violated here. The credibility crisis in America today is worse than ever.

This Court will certainly agree that Mac's legacy however, must be preserved. His intellect superior, provided the Supreme Court with the formula "democracy and dignity". To advance Democracy and dignity, here in this case, is a small step for Petitioner but, a giant leap for the future of this Republic (paraphrasing Neil Armstrong).

It was Mac's perception that history has taught us the hard way. Power to perpetuate itself, must apply the law equally and justly. That foreboding was proven by the Great Depression of 1929 and times prior; the fall of Egypt, Greece, the Roman Empire, Napoleon's spree, and those of other tyrants, including Hitler, Marcos, Ho Chi Minh, Castro, yesterday's Milosovich, and those many

Bolsheviks in the Soviet Union.

Petitioner suggests to this Court that somewhere, sometime soon, we have to curtail abuses of our Constitutional rights by others. There is no time like the present. As shown here, it happened to Petitioner. It can happen likewise to all other Americans including those in power today. Petitioner who was born in Poland, saw the horrors of the Nazi invasion and experienced them on his own skin. Petitioner adopted the U.S.A. as his Country. He is a refugee from Nazi occupied Europe, as a result of that Holocaust, he was forced into slave labor as a eight year old child in Nazi occupied France. He and his family lost everything, except their dignity and a burning faith in God and the potential goodness in the human spirit. His father was murdered in a political assassination, in 1956 in Los Angeles, by the enemies of his homeland, Poland.

Petitioner came to America where dignity and Democracy prevailed then, now it must be resuscitated. He seeks such guarantees from the wisdom of this Court. Petitioner believes that such small steps, one at a time, are necessary, *to sustain a free society*. Petitioner, places his trust in his freedom of speech and seeks favorable and unanimous judgment from this Court, which he believes dwells beyond politics, when duty calls for application of the law. Petitioner believes this Supreme Court is the sole insurance for Constitutional guarantees for all who seek such relief. It may be the only such Court on this planet.

Petitioner, a citizen of the United States, trusts that his freedom of speech and opinion expressed about the human plight of the judiciary will not impinge on his substantial Constitutional rights at issue here. That is what Mac meant when he talked about Democracy surviving. Criticism justified, is part of that survival process. Inferior courts cannot be corrupted by behemoth law firms,

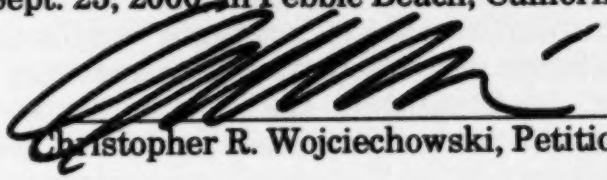
who believe that they are part of a self ordained, out of control "Swat Team". Hitler's "S.S.Troops" were no different when they started persecuting German Jews. At first they used their court's to get judgments against innocent Jews, later they didn't need their court's. They just took their property and killed them without a trial. This case is dangerously close to such behaviour. Stalin's NKVD also spread false and fatal accusations, through what was known as the "fifth column".

In the U.S.A. all can agree to disagree, that is the ultimate dignity of Democracy not found elsewhere. It is Petitioner's opinion that the technical legal parts of this argument show the facts and the law to be on his side. Petitioner requests that the Supreme Court, under these exceptional circumstances, justify and warrant the granting of this Writ. Adequate relief cannot be obtained in any other form or from any other court, by reason of the fact that, ten years of *delayed justice for Petitioner is denied justice,* as someone said.

Petitioner only wants that void filled. He wants his rights to recover in a jury trial. Such right's were consistently denied him in inferior courts, over the last 10 years. Under the extraordinary circumstances presented, Petitioner seeks this Writ from the court of last resort, to have it affirm once and for all time, that Petitioner does have right's to recovery, guaranteed by the Constitution, in a jury trial. Such rights, can only be restored now, at this Supreme Court.

Summarily and *sua sponte*, this Court could and should vacate the MEMORANDUM of MAY 3, 2000 and order remand back to the U.S. District Court of Judge Jeremy Fogel, for that jury trial, unfettered, by reason of the fact that L&W, Walker, Meeske and Herron, breached that invalid general release, by not paying the consideration as agreed, and that they were, and continue to be in Default.

Dated: Sept. 25, 2000 in Pebble Beach, California.



Christopher R. Wojciechowski, Petitioner

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
95 Seventh Street, P.O. Box 193939
San Francisco, CA 94119-3939

July 13, 2000

To: Christopher R. Wojciechowski
From: Cathy A. Catterson, Clerk
By: Sylvia McAlister, Deputy Clerk

Subject: Defective Petition for Rehearing
Re: CA No. 99-15702 Wojciechowski v. Walt Disney Concert

A petition for rehearing in the referenced case was received on 07/12/00 and could not be filed for the following reason(s):
[xx] Your original petition for rehearing was filed on 05/17/00 and denied on 06/28/00. The mandate issued on 07/06/00. This court no longer has jurisdiction. Your petition for rehearing in 3 volumes is being returned to you under separate cover.

# UNITED STATES COURT OF APPEALS
# FOR THE NINTH CIRCUIT

FILED
JUN 28 2000
Cathy A. Catterson, Clerk
U.S. Court of Appeals

CHRISTOPHER R. WOJCIECHOWSKI
Plaintiff-Appellant,

v.

RMW/EAI
LATHAM & WATKINS; WILLIAM J. MEESKE; JOHN P. (JACK) WALKER; VINCE HERRON,
Defendants-Appellees,
and
CANYON OAKS ESTATES, L.P. f/k/a Montevideo Partnership; TOPANGA OAKS INC.; U.S. TRUST CO. OF CALIF., N.A.; ROBERT L. WILSON, as co-Trustees of the Lund Family Trust; WALT DISNEY CONCERT HALL NO. 1; WALT DISNEY CONCERT HALL NO. 2; ESTATE OF LILLIAN B. DISNEY; LOS ANGELES COUNTY; HARRY HUFFORD; JOHN P. SHOOK; GIBSON DUNN & CRUTCHER; RONALD E. GOTHER; JANE LINDSAY WINGFIELD; CHARLES S. BATTLES, JR.; LAUREL BALLARD BRYAN; PETER L. SHAW; WILLIAM LASAROW; HARRY J. KIM; FINER KIM & STEARNS; ALAN D. HARRIS; HARRIS & RUBLE; JOHN C. WESTWATER; LUND FAMILY TRUST; RETLAW ENTERPRISES, INC.;

No. 99-15702

DC#CV-98-21139-

Northern Calif. (San Jose)

ORDER

BENNETT L. SILVERMAN,
Defendants.
99-15702
Before: KOZINSKI, RYMER, and FISHER, Circuit Judges

The panel has voted to deny Wojciechowski's petition for panel rehearing and for rehearing en banc.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

The petition for panel rehearing and for rehearing en banc is denied.

**NOT FOR PUBLICATION** [1]

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

FILED
MAY 3 2000
Cathy A. Catterson, Clerk
U.S. Court of Appeals

CHRISTOPHER R. WOJCIECHOWSKI
Plaintiff-Appellant,
v.
LATHAM & WATKINS; WILLIAM J. MEESKE; JOHN P. (JACK) WALKER; VINCE HERRON,
Defendants-Appellees,
and
CANYON OAKS ESTATES, L.P. f/k/a Montevideo Partnership; TOPANGA OAKS INC.; U.S. TRUST CO. OF CALIF., N.A.; ROBERT L. WILSON, as co-Trustees of the Lund Family Trust; WALT DISNEY CONCERT HALL NO. 1; WALT DISNEY CONCERT HALL NO. 2; ESTATE OF LILLIAN B. DISNEY; LOS ANGELES COUNTY; HARRY HUFFORD; JOHN P. SHOOK; GIBSON DUNN & CRUTCHER; RONALD E. GOTHER; JANE LINDSAY WINGFIELD; CHARLES S. BATTLES, JR.; LAUREL BALLARD BRYAN; PETER L. SHAW; WILLIAM LASAROW; HARRY J. KIM; FINER KIM & STEARNS; ALAN D. HARRIS; HARRIS & RUBLE; JOHN C. WESTWATER; LUND FAMILY TRUST; RETLAW ENTERPRISES, INC.; BENNETT L. SILVERMAN,
Defendants.

No. 99-15702

DC#CV-98- 21139-RMW/EAI

MEMORANDUM

[1] This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as may be provided by 9th Cir.R. 36-5

Appeal from the United States District Court
for the Northern District of California
Ronald M. Whyte, District Judge, Presiding

Submitted April 17, 2000 [2]

Before: Kozinski,Rymer, and Fisher, Circuit Judges:

Christopher R. Wojciechowski appeals pro se the district court's summary judgment for Latham & Watkins and it's attorneys (together "Latham") in his action under the Racketeering Influenced and Corrupt Organizations Act alleging that defendants conspired to commit fraud upon him in prior litigation. We have jurisdiction under 28 USC Sect. 1291. We review de novo, *see Margolis v. Ryan*, 140 F.#d 850,852(9th Cir. 1998), and we affirm.

Because Wojciechowski signed a general release of claims discharging Latham from any claims related to prior litigation, and because Wojciechowski provided no evidence to show that the release was invalid, see *Winet v. Price,* 6 Cal Rptr. 2d 554, 560-61 (Cal.CT. App 1992), the district court properly granted summary judgment for Latham.

The district court denied Wojciechowski's motion for default judgment because Latham appeared in the action. *See Direct Mail Specialists, Inc. v. Eclat Computerized Techs., Inc.*, 840 F.2d 685.689 (9th Cir 1988).

We grant Latham's request for judicial notice. We grant Wojciechowski's request for judicial notice.

Wojciechowski's remaining contentions lack merit.

**AFFIRMED**

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[2] The panel unanimously finds this case suitable for decision without oral argument. See Fed.R.App.P. 34(a)(2). Accordingly, we deny Wojciechowski's request for oral argument.

**EXCERPTS FROM PROCEEDINGS DOCKET**

**Proceedings include all events.**
**5:98 cv 21139 Wojciechowski v. Walt Disney Concert, et al**

| | | |
|---|---|---|
| 11/16/98 | 1 | COMPLAINT a Summons(es) issued; Fee status pd entered on 11/16/98 in the amount of $150..00 (Receipt No. 506038); jury demand [5:98-cv-21139] (vm) [Entry date 11/17/98] [5:98 cv 21139] |
| 11/16/98 | 2 | ORDER by Judge Jeremy Fogel Case Management Conference set for 10:30 3/22/99; (Date Entered: 11/16/98) (cc:all counsel) [5:98-cv-21139] (vm) [Entry date 11/17/98] [5:98cv21139] |
| 12/29/98 | 21 | JOINDER by defendant Latham & Watkins in 5:98-cv-21139, defendant John P. (Jack) Walker Jr. in 5:98-cv-21139, defendant William J. Meeske in 5:98-cv-21139 re motion to strike complaint [1-1] [9-1]. re motion to dismiss [9-2] [5:98-cv-21139] (cv) [Entry date 12/29/98], [5:98cv21139] |
| 12/29/98 | 22 | NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Ronald M. Whyte by defendant Latham & Watkins in 5:98-cv-21139, defendant John P. (Jack) Walker Jr. in 5:98-cv-21139, defendant William J. Meeske in 5:98-cv-21139, defendant Vince Herron in 5:98-cv-21139 to dismiss for failure to state a claim upon relief can be granted and rule 9(B) for failure to plead with particularity with |

Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 12/29/98] [5:98cv21139]

12/29/98 23 REQUEST FOR JUDICIAL NOTICE by defendant Latham & Watkins in 5:98-cv-21139, defendant John P. (Jack) Walker Jr. in 5:98-cv-21139, defendant William J. Meeske in 5:98-cv-21139 [5:98-cv-21139] (cv) [Entry date 12/29/98] [5:98cv21139].

12/30/98 27 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski for entry of default as to Walt Disney Concert [5:98-cv-21139] (cv) {Entry date 12/30/98] [5:98cv21139]

12/30/98 28 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv- 21139 for default judgment against Walt Disney Concert in 5:98-cv-21139 with Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 29 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for entry of default as to Vince Herron in[5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 30 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv- 21139 for default judgment against Vince Herron in 5:98-cv-21139 with Notice set for

2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 31 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv- 21139 for entry of default as to Latham & Watkins in[5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 32 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for default judgment against Latham & Watkins in 5:98-cv-21139 with Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 33 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for entry of default as to William Lasarow in[5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 34 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for default judgment against William Lasarow in 5:98-cv-21139 with Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry dat12/30/98][5:98cv21139]

12/30/98 35 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for entry of default as to John P. Shook in[5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 36 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for default judgment against John P. Shook in 5:98-cv-21139 with Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 12/30/98][5:98cv21139]

12/30/98 37 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for entry of default as to Harry Hufford in[5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 38 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for default judgment against Harry Hufford in 5:98-cv-21139 with Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 39 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for entry of default as to William J. Meeske in[5:98-cv-21139] (cv) [Entry date 12/30/98][5:98cv21139]

12/30/98 40 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for default judgment against William J. Meeske in 5:98-cv-21139 with Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

12/30/98 41 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for entry of default as to John P. (Jack) Walker Jr. in[5:98-cv-21139] (cv) [Entry date 12/30/98][5:98cv21139]

12/30/98 42 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for default judgment against John P.(Jack) Walker Jr. in 5:98-cv-21139 with Notice set for 2/5/99 at 9:00 [5:98-cv-21139] (cv) [Entry date12/30/98] [5:98cv21139]

12/30/98 - - DEFAULT DECLINED, as to defendant John P. (Jack) Walker Jr., defendant William J. Meeske in 5:98-cv-21139, defendant Harry Hufford in 5:98-cv-21139, defendant John P. Shook in 5:98-cv-21139, defendant William Lasarow in 5:98-cv-21139, defendant Latham & Watkins in 5:98-CV-21139, defendant Vince Heron in 5:98-cv-21139, defendant Walt Disney Concert in 5:98-cv-21139 (cc: all counsel) [5:98-cv-21139] (cv) [Entry date 12/30/98] [5:98cv21139]

01/04/99 43 MOTION by Plaintiff for default judgment against dfts Walt Disney; H. Hufford; J.P. Shook; J.P. Walker; Latham & Watkins; W. Meeske; V. Herron and W. Lasarow [5:98-cv-21139] (cv) {Entry date 01/06/99] [Edit date 01/07/99] [5:98cv21139]

01/06/99 46 EX-PARTE APPLICATION before

Judge Ronald M. Whyte by defendant Latham & Watkins in 5:98-cv-21139, defendant John P. (Jack) Walker Jr. in 5:98-cv-21139 defendant William J. Meeske in 5:98-cv-21139, defendant Vince Herron in 5:98-cv-21139 to seal documents, to shorten time on motion to dismiss for failure to state a claim upon relief can be granted and rule 9(B) for failure to plead with particularity [22-1] [5:98-cv-21139] (cv) [Entry date 01/07/99] 95:98cv21139]

01/06/99 47 MEMORANDUM by defendant Walt Disney Concert in 5:98-cv-21139, defendant Harry Hufford in 5:98-cv-21139 in opposition to motion for default judgment against Harry Hufford in 5:98-cv-21139 [38-1], motion for entry of default as to Harry Hufford in 5:98-cv-21139 [37-1],motion for default judgment against Walt Disney Concert in 56:98-cv-21139 [28-1], motion for entry of default as to Walt Disney Concert [27-1] [5:98-cv-21139] (cv) [Entry date 01/07/99] [5:98cv21139]

01/07/99 45 NOTICE OF MOTION AND MOTION before Judge Ronald M. Whyte by defendant Los Angeles County in 5:98-cv-21139, defendant John P. Shook in 5:98-cv-21139 to strike motion for default judgment against John P. Shook in 5:98-cv-21139 [36-1], to set aside default, to extend time to answer with Notice set for 2/12/99 at 9:00a.m. [5:98-cv-21139] (cv) [Entry date 01/07/99] [5:98cv21139]

01/07/99 48 OBJECTIONS by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 to motion to seal documents [46-1], motion to shorten time on motion to dismiss for failure to state a claim upon relief can be granted and rule 9(B) for failure to plead with particularity [22-1] [46-1] 5:98-cv-21139] (cv) [Entry date 01`/07/99] [5:98cv21139]

01/07/99 49 MOTION before Judge Ronald M. Whyte by Plaintiff C. R. Wojciechowski in 5:98-cv-21139 for entry of default as to Los Angeles County in 5:98-cv-21139[5:98-cv-21139] (cv) [Entry date 01/07/99] [5:98cv21139]

01/07/99 50 RETURN OF SERVICE executed upon defendant Los Angeles County in 5:98-cv-21139 on 12/7/98 and request to enter default [5:98-cv-21139] (cv) [Entry date 01/07/99] [5:98cv21139]

01/07/99 51 MOTION before Judge Ronald M. Whyte by Plaintiff Christopher R. Wojciechowski in 5:98-cv-21139 for default judgment against Los Angeles County in 5:98-cv-21139 with Notice set for 2/26/99 at 9:00 [5:98-cv-21139] (cv) [Entry date 01/13/99] [5:98cv21139]

01/08/99 53 ORDER by Judge Ronald M. Whyte granting Motion to seal documents [46-1] filed on 12/29/98. ( Date Entered: 1/13/99) (cc: all counsel) [5:98-cv-21139] (cv) [Entry date 01/13/99] [5:98cv21139]

01/11/99 -- DEFAULT DECLINED as to defendant Los Angeles County in 5:98-cv-21139 (cc: all counsel) (cv) [Entry date 01/12/99] [5:98cv21139]

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COMPLAINT FORM
JUDICIAL COUNCIL OF THE NINTH CIRCUIT
COMPLAINT OF JUDICIAL MISCONDUCT AND DISABILITY

*MAIL THIS FORM TO THE CLERK, UNITED STATES COURT OF APPEALS, P.O. BOX 193939, SAN FRANCISCO, CA 94119-3939. MARK THE ENVELOPE "JUDICIAL MISCONDUCT COMPLAINT" OR "JUDICIAL DISABILITY COMPLAINT." DO NOT PUT THE NAME OF THE JUDGE ON THE ENVELOPE.*

SEE RULE 2(C) FOR THE NUMBER OF COPIES REQUIRED FOR FILING:

1. Complainant's name: *Christopher R. Wojciechowski*
Address: *P.O. Box 1171 Pebble Beach, CA 93953*
Daytime Telephone: *(831) 372 5590* Fax No. *(831) 375 4525*

2. Judge Complained about: *Hon. Ronald M. Whyte*
Court: *U.S. District Court for Northern California, San Jose Division*

3. Does this complaint concern the behavior of the judge in a particular lawsuit or lawsuits?
*YES*
If yes give the following information about each lawsuit:
Court: *same as above*
Docket Number: *C-99-21236 EAI*

**Are (were) you a party or lawyer in the lawsuit?**
*YES, Party, Pro Se*

**If a party, give the name, address and telephone number of your lawyer::**
*Same as above Pro Se*

**Docket numbers of any appeals to the Ninth Circuit:**
*See Statement*

**4. Have you filed any lawsuits against the judge ?**
*NO*

**5. On separate sheets of paper, not larger than this form is printed on, describe the conduct or the evidence of disability that is the subject of this complaint. See rule 2(b) and 2(d). Do not use more than 5 pages (5 sides).**

**I declare under penalty of perjury --**
**I have read rules 1 and 2 of the Rules of the judicial Council of the Ninth Circuit Governing Complaints of Judicial Misconduct or Disability, and the statements made in this complaint are true and correct to the best of my knowledge.**

**s'/ _____ Date: 1-21-2000**

**Statement of Christopher R. Wojciechowski attached to Complaint Form of Judicial Council for the 9th. Circ. Re: U.S. Dist. Crt Ronald M. Whyte's Disqualification**
January 21, 2000

**1. Yesterday evening I came back to my office and found a Fax Transmission from the Hon. Ronald M. Whyte, re Wojciechowski v. Montevideo Partnership, a Civil Rights Case, No. C-99-21236 EAI. The fax consists of 14 pages, wherein Judge Whyte decided to take over this case, from the Hon. Edward A.Infante, Magistrate Judge. When I read**

the fax I marked it with my comments, a copy is attached to this statement.

2. This statement is made to show that Judge Whyte, *"has engaged in conduct prejudicial to the effective and expeditious administration of the business of the court* (his) *and he is unable to discharge all of his duties of office by reason of mental disability"* 5/.

3. Complainant, due to the 5 page limitation, shows below only a few of the concerns in the marked up Order of 1-20-2000. However, this is sufficient to establish that Judge Whyte, is in all probability suffering severe stress which gave rise to a mental disorder best described clinically as a combination of Schizophrenia, Involving a Delusional Disorder with Factitious Mild Neurocognative Disorders. Expert's in the field should be called in to carefully analyze and corroborate this opinion. This combination resulted in a pattern of behavior by Judge Whyte since November 16, 1998 when Complainant's RICO Action Case No. C-98-21139 was similarly usurped from the Hon. Jeremy Fogel. At that time Judge Fogel was also assigned, to that case, same as was Judge Infante, impartially assigned by the Court Clerk, last month.

4. Complainant first thought that such behavior was error, which caused Judge Whyte to dismiss the RICO Action against all defendants without cause. Complainant was angry at the obvious 30 errors reported in the Petition for Writ of Mandamus & Prohibition, filed in this Court on January 11, 2000, Docket No. 0-70034. When Complainant received the above fax yesterday he realized that Judge Whyte, did not make, erroneous decisions filled with lies but, that Judge Whyte is just *unable to discharge all of his duties of office by reason of the mental disability* described above, and touched on in the discussion following. It seems that Judge

5 / 28 USC Sect. 372 (c)(1).

Whyte just, cannot do his job by reason of the fact that he cannot remember facts, case law, and even the content of his own orders, as will be shown here and in the marked up copy.

5. Complainant realizes the gravity of this statement. However, the seriousness of Judge Whyte's mental condition is much more important to the attainment of justice in the U.S. District Court, than is the personal-risk Complainant takes by bringing this matter before the Judicial Council of the Ninth Circuit.

6. Complainant, has chosen to represent himself, since 1992 [6/], in these matters, acting in the capacity of a Private Attorney General, under that California Doctrine. There was no choice, no attorney in the State of California was willing to take the RICO case against the behemoth law firms of Gibson Dunn & Crutcher and Latham & Watkins. These firms are, to say the least, *very well positioned*. Combined with a dysfunctional California State Bar Association, it is extremely difficult for Complainant to proceed in his causes. On top of that dilemma, Judge Whyte is allegedly suffering from a chronic mental disability. As a result of probable Schizophrenia he has decided to protect and be prejudiced, in favor of his colleagues who are lawyers, as is he. He has done so in every one of his decisions, all of which were made against Complainant. That fact exacerbates the principal of an impartial tribunal, in the first instance, which this court knows, can never be reversed on Appeal.[7/]

6/ See attached copy of Declaration of C.R. Wojciechowski under 28 USC Sect. 1746; 5 USC Sect 552 filed in U.S. Bankruptcy Court Central District. This Declaration is a demand for prompt discovery, under the Freedom of Information Act (FOIA), scheduled to take place in February, and it is a request for consolidation with this Civil Rights case, it was served on all parties shown in attached proof of service.

7/ Ward, 409 U.S. 57, 93 S.Ct. 80.

7. Before Complainant shows the Judicial Council examples of Judge Whyte's inability to do his job, it is necessary to show and analyze Judge Whyte's suspected medical disorder. It is described in clinical terms, which were found and explained in: "DIAGNOSTIC & STATISTICAL MANUAL OF MENTAL DISORDERS 4 TH. EDITION" published by the American Psychiatric Association, Task Force on DSM-IV, Allen Frances MD, Chairperson, ISBN 0-89642-061-0.

(i).Schizophrenia; *"Popular usage to the contrary. Schizophrenia is not synonymous with split personality (which falls closest to Dissociative Identity Disorder). Schizophrenia is a brain disorder that causes severe problems in thinking, feeling and behavior. People with Schizophrenia experience difficulty distinguishing reality from fantasy. They also have trouble relating to other people, communicating through language, controlling their emotions and making everyday decisions."* 8/

(ii). Judge Whyte's Schizophrenia is exhibited in his inability to distinguish the "good guys" from the "bad guys". The attorney Defendants in the two subject cases are to Judge Whyte, the good guys. Not because of the facts presented, but because he is one of them and needs to think the fantasy that, since he is one of them, they must be the good guys and everyone else, including Complainant who, regardless of the facts is, in his fantasy, "a bad guy", complaining about the "good guys". In his disturbed mind, he and the "good guys" could never do anything wrong. Therefore he sides with them and finds a way to dismiss all causes of Action brought to him by the "bad guy". Which, due to his Schizophrenia, in his mind, he is convinced that all such actions are brought against himself. In the fantasy of his mind the attorney's at the two law

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8 / pg. 313, in book; "Your Mental Health" by Allen Frances M.D. Chairperson DSM -IV, ISBN 068483720X

firms are symbols of what he could have been.They are his idols. By association, he lives vicariously, being one of them. He has transposed his position from being a judge to being a"victim". This fantasy makes him prejudiced in favor of them, and against Complainant, who will always be the "bad guy". He is so protective that he made up his mind, that he certainly does not want to preside over a jury trial where his "idols" might have to pay treble damages to the "bad guy". That is the source of his chronic stress. He has expressed on more than one occasion in his orders, that he is "loathed to have the Defendants spend money" Defending against, what he believes in his fantasy is; the ultimate BAD GUY, A PRO SE LITIGANT. Therefore, his brain disorder causes the problems which end up as a series of Obstructions of Justice in violation of Title 18 USC Sect 1503. Unfortunately, a Schizophrenic delaying act in the faxed order, makes him; *unable to discharge all of his duties of office by reason of the mental disability.* Yet, he convincingly believes that he has helped his own kind, and that he did his job as a Judge. Unfortunately, as this Judicial Council knows, in reality he is aiding and abetting Defendants in Racketeering Activity and in the deprivation of Complainants due process right to a jury trial. His disturbed mental condition allows this unusual conduct, by association. In other words, it makes him feel good that, he helped his idols the "good guys" to take away Complainants rights, to a jury trial.

(iii). The Delusional disorder is defined;"*as a mental disorder which one holds onto, with complete conviction to strange beliefs that everyone else says are simply not true.*" By association, Judge Whyte's disturbed mind *holds complete conviction* that his idols the "good guys" are right. The real problem, in this complex situation is in the part: "*everyone else says are simply not true*". That part refers to the noticed

violations of his "idols" of RICO and Civil Rights statutes, case law cited and the Federal Rules of Civil Procedure which are "everyone else" in this context. Everyone else, clearly and convincingly, allows a liberal approach to Amending Complaints, especially those of a Pro Se litigant, who has every opportunity to state his case against wrongdoers. It is for that reason, Judge Whyte usurped the RICO Action from Judge Fogel. He knew Judge Fogel has no agenda such as is manifest in Judge Whyte. He knew Judge Fogel would be liberal, as he must be with addendum's. Whereas Judge Whyte, gave Complainant just one chance to amend his RICO complaint, and then he dismissed it against all Defendants, to make certain that his "good guys" did not have to face treble damages. Now, he has apparently done the same with Judge Infante and will not allow Complainant even one amendment in the Civil Rights Case. In his delusional disorder fantasy, Judge Whyte has won the day, without the need of response to a verified Complaint. He did it all by himself, for the "good guys" again. He is proud of it. Complainant believes, that is a *strange belief* for a Judge.

(iv). Factitious Mild Neurocognative Disorders complete the disturbed mind of Judge Whyte, by reason of the fact that in Factitious Disorders with *Ganser's Syndrome*, there exists a psychological disturbance. A characteristic of that syndrome, is exhibited throughout Judge Whyte's faxed order and all of his orders in the two cases in question, where he gives approximate answers. An example used in Dr. Frances' book which defines the *Ganser's Syndrome* is an answer where (8x8=65 ). In his latest faxed Order Judge Whyte starts of giving such approximate answers on the first page:

(a). In the caption he writes: (1) No. C-99-21236-RMW [Previously C-99-21236-EAI) & (2) ORDER RELATING CASES AND TO SHOW CAUSE. That is the same type of approximation in

the mental disorder called, *"Factitious Genser's Syndrome"*. The choice of an answer near the correct one is indicative that the person knows the real response. Judge Whyte's "answers"
are not quite correct, but in his fantasy he hopes they will suffice for the purpose intended, his own Schizophrenic protection and that of his "idols".

(b). On pg. 1, line 23 Judge Whyte incomprehensibly finds the partial answer without even stating the question, that act is symptomatic of the *"Factitious Genser's Syndrome"*. He delays Complainants recovery of significant property and monies, without any basis or explanation whatsoever by ordering; *"The court stays all proceedings until Complainant can show cause that the complaint in this matter should not be dismissed with prejudice etc"*. Defendants have not been served and none have filed responsive pleadings to the Complaint. That is a Schizophrenic view by Judge Whyte of FRCiv.P. Rule 8 (b)(c)(d)(f) and Rule 12, and again, it is not quite accurate.

(c). On pg. 1, line 26 -27 Judge Whyte orders, without any foundation or basis whatsoever, *"that Complainant must show cause why he should not be required to pay a contempt bond before filing subsequent law suits against defendants in this law suit that relate to the bankruptcy proceedings currently pending in the Central District of Los Angeles."* That is a clear and convincing sign of a confused mind and *"Schizophrenia involving a Delusional Disorder and a Factitious Genser's Syndrome"*. In such a state of mind Judge Whyte simply cannot and is *"unable to discharge all of his duties of office by reason of the mental disability."*

(d) On page 2 ln. 6 Judge Whyte makes a *"Factitious Genser's Syndrome"* answer to no question; *"the collapse and subsequent bankruptcy of the real estate partnership"* . The partnership he is referring to (a) never collapsed, as a matter of fact it is still operating and in existance as evidenced by the

Debtor Partnership conducting a ten year old bankruptcy case to the present time.
(b). Complainant was illegally forced out of that partnership in1992. (c). That is the bankruptcy fraud that gave rise to the RICO Complaint combined with the recently discovered bribery of a Los Angeles County Supervisor, which gave rise to this Civil Rights Action. Judge Whyte's mind apparently cannot accept those facts. Therefore he lives in his delusional fantasy which prohibits him from "*discharging all of his duties of office by reason of the mental disability*".

(e) The same is true of his statement on pg.2, ln. 10 "*that Defendants removed to this court.*" Judge Whyte's "*Factitious Genser's Syndrome*" prohibits him from acknowledging the fact that it was Plaintiff, the Complainant here, who removed that case to the U.S.District Court in San Jose. For some reason that inaccurate statement is important to his delusional fantasy which clearly and convincingly prohibits him from "*discharging all of his duties of office by reason of the mental disability*".

(f) There are many more such "*Factitious Genser's Syndrome*" examples in Judge Whyte's work as is shown on pg. 4, ln. 20, in the faxed order and in all the places marked but, Complainant is running out of space to discuss and cannot discuss all of them, according to the rules limiting this five page statement. Complainant has underlined each place in the faxed Order, which brings Judge Whyte's mental disability into question. Complainant has called the 30 "*Factitious Genser's Syndrome*" examples, errors in the Petition for Writ of Mandamus and Prohibition, Docket No. 0-70034, in this Court, because there it is called for. Complainant will be pleased to spend additional time to go over the entire faxed Order and the 30 items, if the Judicial Council requires further analysis on a line by line basis. Now Complainant would just like to touch on the subject of Mild Neurocognative

Disorders attributable to Judge Whyte, and wind up within the five page limitation.

(v). *"The Features of a Mild Neurocognative Disorder essential, is the development of impairment in Neurocognative functioning that is due to a general medical condition. By definition, the level of cognitive impairment and the impact on everyday functioning is mild (e.g., the individual is able to partially compensate for cognitive impairment with additional effort). Individuals with this condition have a new onset of deficits in at least two areas of cognitive functioning. These may include disturbances in memory (learning or recalling new information), executive functioning (e.g., planning, reasoning), attention or speed of information), perceptual motor abilities(e.g., integrating visual, tactile, or auditory information with motor activities), or language (e.g., word finding difficulties, reduced fluency). The report of cognitive impairment must be corroborated by the results of neuropsychological testing or bedside standardized cognitive assessment techniques. Furthermore, the cognitive deficits cause marked distress or interfere with the individual's social, occupational, or other important areas of functioning and represent a decline from a previous level of functioning. The cognitive disturbance does not meet criteria for a delirium, a dementia, or an amnesic disorder and is not better accounted for by another mental disorder (e.g., a Substance-Related Disorder, Major Depressive Disorder)."* 9/

8. Apparently Judge Whyte's condition as is shown above, will become more noticeable as time goes by, unless it is treated. It is chronic in it's present state and drastically affects his performance as a Judge. For his own welfare and the welfare of his family, he should be put under psychiatric care immediately and given a long leave of absence from his job, until he fully recovers. Complainant suggests therefore that Judge Whyte's

9 / from pg. 706 of Dr. Frances' DSM - IV.

faxed Order of January 20, 2000, be vacated as soon as possible, without the need to waste Complainants time in answering Judge Whyte's demands therein. Complainant requests that this Civil Rights Case be allowed to proceed unfettered at *warp speed* in the Court of Hon. Jeremy Fogel, who would have heard this case anyway, had he been given the opportunity to be the presiding judge, as he was chosen to be, by the Clerk, when Complainant filed the RICO Action in San Jose on 11-16-98.

9. In addition, because of these unusual circumstances, Complainant requests a recommendation by this Judicial Council, that the Appeal filed by Complainant in the RICO case should be granted sua sponte by the Ninth Circuit Court of Appeals without the need for briefing, also Complainant's Appeal, pertaining to Judge Whyte's dismissal with prejudice of Latham & Watkins Docket No 99-15702, which has been fully briefed, be granted and remanded to Judge Fogel's court for consolidation with the Civil Rights case.

Respectfully submitted on January 21, 2000, at Monterey County, California.

's'/_____
Christopher R. Wojciechowski, Complainant, Pro Se, In his capacity as a Private Attorney General

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Second Appellate District, Division Five, No. B119354 S0855523

IN THE SUPREME COURT OF CALIFORNIA
EN BANC

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CHRISTOPHER R. WOJCIECHOWSKI, Appellant

v.

SUPREME COURT
FILED
MAR 1 2000
Frederick K. Ohlrich Clerk

LATHAM & WATKINS, Respondent

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Appellant's petition for review DENIED.

"s"/_____
Chief Justice

Member Records Online

Member #146079
Dale A. Harris is an ACTIVE Member

*Only ACTIVE members may practice law in California*

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The above, is undisputable evidence that DALE A. HARRIS, is using an unregistered alias before this Court. On all pleadings in state and federal courts the name "ALAN HARRIS" appears next to SBN 146079.

Apparently this misrepresentation of his true identity and intentional deception, has been a fraud on such Courts and on Defendant's in Case No. BC 182 384 & SC 022 327. The official records of Calif. State Bar show that SBN 146079 is held in a different name. Alan Harris is therefore a fraud on this Court practicing law without authorization and subject to the Sanctions.